MARSHAL OF THE SUPREME COURT AND THE SUPREME COURT POLICE AUTHORITY EXTENSION ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 626, S. 2100.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2100) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be deemed read a third time, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2100) was deemed read the third time and passed, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY.

Section 9(c) of the Act entitled ''An Act relating to the policing of the building and grounds of the Supreme Court of the United States'', approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking ''1996'' and inserting ''2000''.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 541, S. 1962.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1962) to amend the Indian Child Welfare Act of 1978, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5405

(Purpose: To make technical corrections)

Mr. LOTT. Mr. President, I understand Senator MCCAIN has a technical amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MCCAIN, proposes an amendment numbered 5405.

The amendment is as follows:

On page 13, line 18, insert ''if in the best interests of an Indian child,'' after ''approve,''.

On page 14, lines 15 and 16, strike the dash and all that follows through the paragraph designation and adjust the margin accordingly.

On page 14, line 16, insert a dash after ''willfully''.

On page 14, line 16, insert ''(1)'' before ''falsifies'' and adjust the margin accordingly.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5405) was agreed to.

Mr. MCCAIN. Mr. President, I wish to thank my colleagues for moving quickly to consideration of S. 1962, a bill to make certain compromise amendments to the Indian Child Welfare Act of 1978 [ICWA]. I urge its immediate adoption.

S. 1962 represents broad consensus legislation that has been crafted with great care to resolve many of the differences between Indian tribes and adoption advocates.

Let me say, first, that the issue of Indian child welfare stirs the deepest of emotions. Until nearly eighteen years ago, disproportionately high numbers of Indian children were virtually kidnapped from their families and tribal communities and placed in foster and adoptive care. Although sometimes these efforts were motivated by good intentions, the results were many times tragic. Generations of Indian children were denied their rich cultural and political heritage as Native Americans. The well-documented abuses from that dark era are horrifying. One study concluded that between 25 and 35 percent of all Indian children were torn from their birth families and tribes.

In 1978, Congressman Mo Udall and others in Congress responded to this crisis by enacting the Indian Child Welfare Act [ICWA] to prevent further abuses of Indian children. Under ICWA, adoptions of Indian children could still go forward, but the best interests of the Indian children had the additional protection of the involvement of their own tribe.

In recent years, a new tragedy has emerged as ICWA has been implemented, this one borne by non-Indian adoptive families who in a handful of high-profile cases have seen their adoptions of Indian children disrupted months and years after they have received the child.

In some of these controversial cases, people facilitating the adoptions have been accused of knowingly and willfully lying to the courts, the adoptive families, and the tribes, hiding the fact that these children were Indians covered by ICWA procedures. In other cases, some Indian tribes have been accused of retroactively conveying membership on a birth parent who wanted to revoke his or her consent long after the adoption placement was voluntarily established.

Because Indian tribes typically have not been made aware of an adoption, in most of the controversial cases, until very late in the placement, the tribes have been faced with a tragic choice—either intervene late in the proceeding and disrupt the certainty sought by the adoptive family and child, or stay out of the case and lose any chance to be involved in the life of the Indian child. The result has been great uncertainty and heartache on all sides. No matter the outcome in each of these cases, the Indian children have been the losers.

The measure we have under consideration today will amend ICWA to dramatically improve this situation. Mr. President, most of the people who deal on a daily basis with ICWA believe S. 1962 will make ICWA work much better for Indian children and for adoptive families.

S. 1962 will dramatically increase the opportunities for greater certainty, speed and stability in adoptions of Indian children. S. 1962 reflects the agreement of attorneys representing adoptive families and representatives of the Indian tribes. Enactment of the provisions they can agree upon will dramatically improve ICWA and clearly be in the best interests of the Indian children involved.

S. 1962 will change ICWA so that it better serves the best interests of Indian children without trampling on tribal sovereignty and without eroding fundamental principles of Federal-Indian law. The legislation will achieve greater certainty and speed in adoptions involving Indian children through new guarantees of early and effective notice in all cases combined with new, strict time restrictions placed on both the right of Indian tribes to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement.

Perhaps of most interest to the Members of the Senate is the fact that the provisions of S. 1962 will encourage early identification of the cases involving controversy, and promote settlement by making visitation agreements enforceable. One example of such a case is that of a non-Indian Ohio couple, Jim and Colette Rost, who have been trying to adopt twin daughters—now nearly three years old—placed with them at birth by an adoption attorney who failed to disclose that the children were Indians. The Rost's current attorney now supports quick enactment by the Congress of the compromise provisions that comprise S. 1962 because they will provide authority where none exists to enforce a visitation agreement that will very likely settle the Rost and other similar cases.

I am very pleased with the provisions of this bill for another reason. I have long given active support to legislative efforts that encourage and facilitate adoptions in all instances. It is my belief that it is our solemn responsibility to work to increase the opportunities for all children to enjoy stable and loving family relationships as quickly as possible. At a minimum, this means removing every unreasonable obstacle to adoption. Equally important for me is the priority I place on encouraging adoption as a positive alternative to